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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 RIVERA ET AL,
14 Defendant.

Case No. 2:22-cr-00074-APG-DJA

STIPULATION TO CONTINUE
TRIAL DATES
(Third Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between, Jason M. Frierson,
17 United States Attorney, and Edward G. Veronda, Assistant United States Attorney, counsel for
18 the United States of America, and Rene L. Valladares, Federal Public Defender, Joanne L.
19 Diamond, Assistant Federal Public Defender, counsel for Martel Rivera, Jr., and Kendall S.
20 Stone, counsel for Moses Rivera that the calendar call currently scheduled for February 21,
21 2023, and the trial scheduled for February 27, 2023, be vacated and set to a date and time
22 convenient to this Court, but no sooner than sixty (60) days.

23 The Stipulation is entered into for the following reasons:

24 1. Counsel for the defendants need additional time to conduct investigation in this
25 case in order to determine whether there are any pretrial issues that must be litigated and
26 whether the case will ultimately go to trial or will be resolved through negotiations.

2. Martel Rivera, Jr. is out of custody and does not object to the continuance.

3. Moses Rivera is in custody and does not object to the continuance.

4. The parties agree to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the third stipulation to continue filed herein.

DATED: January 27, 2023.

RENE L. VALLADARES
Federal Public Defender

/s/ Joanne L. Diamond
By _____

JOANNE L. DIAMOND
Assistant Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Edward G. Veronda
By _____

EDWARD G. VERONDA
Assistant United States Attorney

/s/ Kendall S. Stone
By _____

KENDALL S. STONE
Counsel for Moses Rivera

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 RIVERA ET AL,

8 Defendant.

Case No. 2:22-cr-00074-APG-DJA

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendants need additional time to conduct investigation in this
14 case in order to determine whether there are any pretrial issues that must be litigated and
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. Martel Rivera, Jr. is out of custody and does not object to the continuance.

17 3. Moses Rivera is in custody and does not object to the continuance

18 4. The parties agree to the continuance.

19 5. The additional time requested herein is not sought for purposes of delay, but
20 merely to allow counsel for defendant sufficient time within which to be able to effectively and
21 complete investigation of the discovery materials provided.

22 6. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excludable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 2nd day of May, 2023, by the hour of 12:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for February 21, 2023, at the hour of 9:00 a.m., be vacated and continued to May 2, 2023 at the hour of 9:00 a.m.; and the trial currently scheduled for February 27, 2023, at the hour of 9:00 a.m., be vacated and continued to May 8, 2023 at the hour of 9:00 a.m. in Courtroom 6C.

DATED this 30th day of January, 2023.


UNITED STATES DISTRICT JUDGE